

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	3:10 CR 00123
)	Judge Marvin E. Aspen
ARTHUR SMITH,)	
)	
Defendant.)	

ORDER

On January 25, 2013, we scheduled this case for trial on May 14, 2013 and ordered the parties to submit certain materials. (Dkt. No. 85.) The parties apparently overlooked our scheduling order, as none of the requested materials have been filed to date.

The parties shall file a joint letter, no later than Wednesday, April 24, 2013, providing: (1) a statement concerning whether the parties are involved in plea negotiations; (2) a joint estimate for the length of retrial and an explanation of any divergent estimates; and (3) a short, joint statement of the nature of the case to be read to potential jurors during the venire.

As described in our earlier order, all of Judge Campbell's holdings in preparation for, and during the course of, the first trial shall apply to the second trial. Specifically, we will adopt Judge Campbell's prior rulings on evidentiary issues, contested jury instructions, motions in limine, the verdict form, and any questions concerning the use of expert testimony. The parties shall file, no later than Friday, April 26, 2013, a list of Judge Campbell's key rulings from the first trial. In addition, if a party wishes to object to any of Judge Campbell's prior rulings, it must file a motion and supporting memorandum (not to exceed one page) setting forth the reason why the particular prior ruling was incorrect. Any such objections must be filed no later than Friday,

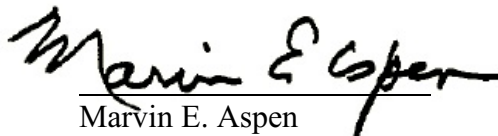
April 26, 2013. Any responses shall be equally brief and must be filed no later than May 1, 2013.

Having been through this trial once already, the parties should identify any uncontested matters and submit written stipulations to be read to the jury in lieu of testimony that will not now be required in the second trial. These stipulations shall be filed no later than May 3, 2013.

If either party wishes to submit proposed voir dire questions, it may do so on or by May 1, 2013. Any objections to proposed voir dire must be filed by May 3, 2013.

All of the above filings should be filed electronically via CM/ECF. On the date of these filings, the parties shall also fax a copy thereof to the Court's chambers (312-554-8515). In the unlikely event that the filings would generate a fax exceeding 40 pages in length, the parties shall simply fax a notice to chambers indicating that the filings were submitted via CM/ECF as instructed.

SO ORDERED:

A handwritten signature in black ink, appearing to read "Marvin E. Aspen", written over a horizontal line.

Marvin E. Aspen
United States District Judge

Dated: Chicago, Illinois
April 22, 2013